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MICHAEL J. SIRIS

April 23, 2008

**Via ECF and Regular Mail**

The Honorable George B. Daniels  
U.S. District Court Judge  
U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

Re: Storey v. M & I Marble, 08 Civ. 976 (GBD)  
Our File No.: 4765

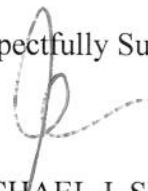
Dear Judge Daniels:

As required, enclosed herewith is an executed case management plan.

As indicated in my April 21, 2008 letter, I am respectfully requesting a stay of disclosure pending the disposition of my client's motion to dismiss based on lack of subject matter jurisdiction. Should your Honor decide to grant such a stay, then I would request that the various dates in the plan be pushed back accordingly.

Thank you for your consideration.

Respectfully Submitted,



MICHAEL J. SIRIS

MJS/cm

cc: Diane Kanca, Esq. (via e-mail)  
Miles Stanislaw, Esq. (via e-mail)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
Storey Construction Co., Inc.,

Plaintiff,

-against-

M&I Marble Works LTD doing business  
as Marble Solutions,

Defendant,  
-----X

08cv976(GBD)

CIVIL CASE MANAGEMENT  
PLAN AND SCHEDULING ORDER

After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

1. No **additional parties** may be joined after **July 3, 2008**.
2. No **amendment** to the pleadings will be permitted after **July 3, 2008**.
3. Except for good cause shown, all **discovery** shall be commenced in time to be completed by **August 7, 2008**. The Court expects discovery to be completed within 90 days of the first scheduling conference unless, after the expiration of that 90 day period, all counsel stipulate that additional time (not to exceed 60 more days) is needed to completed discovery. In such event, discovery may be extended by the parties on consent, without application to the Court, provided the parties are certain they can still meet the discovery completion date ordered by the Court. The discovery completion date shall not be adjourned except upon a showing of extraordinary circumstances.
4. **Dispositive motions** are to served by **November 6, 2008**. Answering papers are to be served within 14 days. Reply papers are to be served within seven (7) days. In the event a dispositive motion is made, the date for submitting the Joint Pretrial Order shall be changed from that shown herein to three(3) weeks from the decision on the motion. The final pretrial conference shall be adjourned to a date four (4) weeks from the decision on the motion.
5. A final **pretrial conference** will be held on **December 4, 2008 at 9:30 a.m.**
6. The **Joint Pretrial Order** shall be filed no later than **November 13, 2008**. The requirements for the pretrial order and other pretrial submissions shall be governed by the Court's Individual Rules of Practice.
7. **All motions and applications** shall be governed by the Court's Individual Rules of Practice.

8. The parties shall be ready for trial on 48 hours notice on or after December 11, 2008. The estimated trial time is 2 days, and this is a (jury) (non-jury) trial.
9. The Next Case Management Conference will be held on September 4, 2008 at 9:30 a.m..

Dated: February 4, 2008  
New York, New York

SO ORDERED:

\_\_\_\_\_  
GEORGE B. DANIELS  
United States District Judge

\_\_\_\_\_  
Attorney for Plaintiff

SOLOMON + SIRIS  
\_\_\_\_\_  
Attorney for Defendant

50 CHARLES LINDBERGH  
UNIONDALE, N.Y. 11553  
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(THE UNDERSIGNED IS REQUESTING  
A STAY OF DISCLOSURE PENDING  
DISPOSITION OF MOTION TO DISMISS)